

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

October 17, 2007

DIVISION ONE

B193327 Unzipped Apparel, LLC (Certified for Publication)
 v.
 Gary Bader
 Hippie Jeans, LLC et al.

The order is reversed. On remand, the trial court shall vacate its August 7, 2006 order granting the motion to compel and enter a new order denying the motion. Appellants are entitled to costs on appeal.

Mallano, Acting P.J.

We concur: Rothschild, J.
 Jackson, J. (Assigned)

B189175 Behrouz Nazer et al. (Not for Publication)
 v.
 26 Malibu LLC et al.

The order is affirmed. Respondents are entitled to costs on appeal. Any request for attorney's fees shall be presented in the first instance to the trial court on remand. (See Cal. Rules of Court, rule 8276(c)(2), 3.1702(c).)

Mallano, Acting P.J.

We concur: Vogel (Miriam A.), J.
 Jackson, J. (Assigned)

DIVISION TWO

B196939 People (Not for Publication)

V.

Funes

The Court:

The judgment is affirmed.

Doi Todd, Acting P.J., Ashmann-Gerst, J., Chavez, J.

B189655 People (Not for Publication)

V.

Ruben, et al.

The judgments are affirmed.

Ashmann-Gerst, J.

We concur: Doi Todd, Acting P.J.
Chavez, J.

B195142 People (Not for Publication)

V.

Garcia

The judgment is affirmed.

Ashmann-Gerst, J.

We concur: Boren, P.J.
 Chavez, J.

DIVISION TWO (continued)

B186184 People (Not for Publication)

V.

Molina

The judgment is affirmed. We order the clerical error in the abstract of judgment to be corrected to reflect the second degree murder conviction, in lieu of a conviction of first degree murder. Upon issuance of the remittitur, the superior court shall cause its clerk to prepare an amended abstract of judgment and send it to the California Department of Corrections and Rehabilitation.

Chavez, J.

We concur: Boren, P.J.
 Doi Todd, J.

DIVISION THREE

Court convened at 9:30 am.

Present: Klein, P.J., Kitching, J., Aldrich, J. and Valorie Gray, Deputy Clerk.

B190721 People

V.

Daley

Merits:

Argued by Marilee Marshall for appellant and by Ericka D. Jackson, deputy attorney general for respondent. Cause submitted.

Court adjourned.

DIVISION THREE (continued)

B196424 People (Not for Publication)
v.
Isaiah Barrett

The judgment is affirmed.

Aldrich, J.

We concur: Klein, P.J.
Croskey, J.

B188489	People v. Varnado, et al.	(Not for Publication)
B194298	In re Damion Varnado on Habeas Corpus	
B195683	In re Bryan Varnado on Habeas Corpus	

The judgments are affirmed; the habeas corpus petitions are denied.

Klein, P.J.

We concur: Croskey, J.
 Aldrich, J.

B188370 People (Not for Publication)
v.
Edgar Moises Armenta et al

The judgment as to Edgar Moises Armenta is affirmed, except that his sentence is vacated and the matter is remanded for resentencing consistent with this opinion. The judgment as to Johnny Armenta is affirmed.

Kitching, J.

We concur: Klein, P.J.
Aldrich, J.

DIVISION THREE (continued)

[illegible]

Condition of probation 21 is modified to order Frank D. to "stay away from places where persons whom you know to use illegal drugs or substances congregate." The judgment is affirmed as modified.

Aldrich, J.

We concur: Croskey, Acting P.J.
 Kitching, J.

B189444 Mejia (Certified for Publication)
v.
City of Los Angeles
California Home Development, LLC

The order is affirmed. Mejia is entitled to recover her attorney fees incurred in this appeal in an amount to be determined by the superior court, and also is entitled to recover her costs on appeal.

Croskey, J.

We concur: Klein, P.J.
Aldrich, J.

B194599 DT Woodard, Inc. (Not for Publication)
v.
Mail Boxex Etc., Inc., et al.

The order is reversed. Costs on appeal are awarded to plaintiff DT Woodard, Inc.

Kitching, J.

We concur: Klein, P.J.
Aldrich, J.

DIVISION THREE (continued)

B191874 Stella, et al. (Not for Publication)
v.
Western Security Bancorp, et al.

The summary judgment is affirmed. Defendants are awarded costs on appeal.

Kitching, J.

We concur: Klein, P.J.
Croskey, J.

B191507 Basmajian (Not for Publication)
v.
Adelmann

The order is reversed. The parties are to bear their own costs on appeal.

Aldrich, J.

We concur: Klein, P.J.
Croskey, J.

B199573 Jose P. (Not for Publication)
v.
Superior Court, Los Angeles County
(Department of Children and Family Services, r.p.i.)

The petition is denied. The order to show cause issued on June 26, 2007, is discharged.

Aldrich, J.

We concur: Klein, P.J.
Croskey, J.

DIVISION THREE (continued)

B194458 Huang, et al. (Not for Publication)
 v.
 Nguyen, et al.

The trial court's order denying Nguyen's renewed anti-SLAPP motion is affirmed. Plaintiffs shall recover their costs on appeal.

Croskey, Acting P.J.

We concur: Kitching, J.
 Aldrich, J.

B193480 People (Not for Publication)
 v.
 John D. Rodriguez Jr.

The judgment is affirmed.

Aldrich, J.

We concur: Klein, P.J.
 Croskey, J.

B192833 Abraha (Not for Publication)
 v.
 Kim

The judgment is affirmed. The matter is remanded to the trial court with directions to consider and resolve any motion that may be made by the buyer for attorney's fees with respect to the handling of seller's appeal. (See Commercial Property Purchase Agreement, Exhibit 6, para. 33.) This is an issue which, if buyer makes a proper motion, is appropriately resolved by the trial court in the first instance. Buyer shall recover his costs on appeal.

Croskey, Acting P.J.

We concur: Kitching, J.
 Aldrich, J.

DIVISION THREE (continued)

B 195610 William Little
 v.
 Assessment Appeals Boards of the Co. of L.A.. Board No. 4 et al.

 Filed order denying petition for rehearing.

DIVISION FOUR

B194551 Los Angeles County, D.C.S. (Not for Publication)
 v.
 Christina J.

 The order is affirmed.

Manella, J.

We concur: Epstein, P.J.
 Suzukawa, J.

DIVISION SIX

B189063 People (Not for Publication)
 v.
 Reed

 The judgment is affirmed.

Gilbert, P. J.

We concur: Yegan, .J.
 Coffee, J.

DIVISION SIX (continued)

B193161 RV World (Not for Publication)

V.
National RV, Inc.

The judgment is affirmed. Costs on appeal are awarded to respondent.

Coffee, J.

We concur: Yegan, AcLting P.J.
Perren, J.

B195375 Tacker et al., (Not for Publication)

v.
Central Coast Regional Water Quality Control Board et al.,

The judgment (order denying fees and costs) is affirmed. The Parties shall bear their own costs on appeal. (section 6259, subd. (d).)

Yegan, J.

We concur: Gilbert, P.J.
Coffee, J.

B195514 People (Not for Publication)

V.
Abernathy

The judgment is affirmed.

Perren, J.

We concur: Gilbert, P.J.
Coffee, J.

DIVISION SEVEN

B185735 People (Not for Publication)
v.
Diaz

The convictions are affirmed. The sentence is vacated and the matter remanded for resentencing consistent with *People v. Sandoval, supra*, 41 Cal.4th at pages 843-852.

Zelon, J.

I concur: Johnson, J.
I dissent: Perluss, P.J. (opinion)

B182323 People (Not for Publication)
v.
Paredes

The judgment is affirmed.

Zelon, J.

We concur: Johnson, Acting P.J.
Woods, J.

B190283 People (Not for Publication)
v.
Molina

The judgment is affirmed.

Woods, J.

We concur: Perluss, P.J.
Zelon, J.

DIVISION SEVEN (continued)

B191519 People (Not for Publication)
v.
Harrison

The judgment as to count I is reversed and the matter is remanded to the trial court for further proceedings consistent with this opinion.

Zelon, J.

I concur and dissent:Perluss, P.J. (opinion)
I concur and dissent:Johnson, J. (opinion)

B194230 Scottish Rite Cathedral Association of Los Angeles et al.,
v.
The City of Los Angeles et al.,
Windsor Square Association

Filed order certifying opinion for publication.